

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Clark County, NV  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Don Springer, Esq.  
Robert C. Mollon & Associates  
2811 W. Charleston, Ste. 110  
Las Vegas, NV 89102 (702) 366-1900  
Scott K. Canepa, Esq.  
Concepcion Riedy & Rubino  
851 S. Rampart, Ste. 100  
Las Vegas, NV 89145 (702) 304-2765

## DEFENDANTS

County of Residence of First Listed Defendant Dakota County, MN  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Peter C. Brown, Esq.  
Bremer, White, Brown & O'Meara  
7670 West Lake Mend Blvd, Ste. 225  
Las Vegas, NV 89128 (702) 258-6665

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input checked="" type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input checked="" type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

- (Place an "X" in One Box Only)
- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1441(a)  
28 U.S.C. § 1332(d)(2)(A)  
 Brief description of cause: Roberts Liability, Strict Liability, Breach of Express and Implied Warranties, Breach of Warranty of Merchantability and Negligence

## VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
 DEMAND \$ In excess of \$5,000,000 CHECK YES only if demanded in complaint: of \$5,000,000 ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/12/08

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PETER C. BROWN, ESQ.  
 NEVADA STATE BAR NO. 5887  
 BREMER WHYTE BROWN & O'MEARA LLP  
 7670 WEST LAKE MEAD BOULEVARD  
 SUITE 225  
 LAS VEGAS, NV 89128  
 TELEPHONE: (702) 258-6665  
 FACSIMILE: (702) 258-6662

Attorney for Defendant,  
 UPONOR, INC.

# UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

EDWIN K. SLAUGHTER, REBECCA FLINN,  
 and MEL and CAROL HEALEY, individually  
 and on behalf of all others similarly situated,

Plaintiffs,

vs.

UPONOR, INC., a Minnesota corporation;  
 UPONOR NORTH AMERICA, INC., a  
 Minnesota corporation; RCR PLUMBING AND  
 MECHANICAL, INC., a California corporation;  
 INTERSTATE PLUMBING &  
 CONDITIONING, LLC, a Nevada limited  
 liability company; UNITED PLUMBING, LLC,  
 a Nevada limited liability company; FERGUSON  
 ENTERPRISES, INC., a Virginia corporation;  
 HUGHES WATER & SEWER LP, a Florida  
 limited partnership and successor by merger to  
 STANDARD WHOLESALE SUPPLY  
 COMPANY, a dissolved Nevada corporation;  
 HD SUPPLY CONSTRUCTION SUPPLY,  
 LIMITED PARTNERSHIP, a Florida limited  
 partnership; DOES 1-30, ROE  
 CORPORATIONS 1-XXX,

Defendants.

) Case No.

) **UPONOR, INC.'S NOTICE OF**  
 ) **REMOVAL TO THE UNITED STATES**  
 ) **DISTRICT COURT FOR THE**  
 ) **DISTRICT OF NEVADA**

**COMES NOW** UPONOR, INC., a Minnesota Corporation, by and through its counsel of  
 record, BREMER WHYTE BROWN & O'MEARA, LLP, and submits this Notice of Removal to  
 the United States District Court for the District of Nevada.

**PLEASE TAKE NOTICE** that UPONOR, INC., a Minnesota Corporation, hereby  
 removes the state action entitled "*Edwin K. Slaughter, Rebecca Flinn, and Mel and Carol Healey,*

1 individually and on behalf of all others similarly situated v. Uponor, Inc., a Minnesota  
 2 corporation; Uponor North American, Inc., a Minnesota corporation; RCR Plumbing and  
 3 Mechanical, Inc., a California corporation; Interstate Plumbing & Conditioning, LLC, a Nevada  
 4 limited liability company; United Plumbing, LLC, a Nevada limited liability company; Ferguson  
 5 Enterprises, Inc., a Virginia corporation; Hughes Water & Sewer LP, a Florida limited  
 6 partnership and successor by merger to Standard Wholesale Supply Company, a dissolved Nevada  
 7 corporation; HD Supply Construction Supply, Limited Partnership, a Florida limited partnership;  
 8 Does 1-30, Roe Corporations 1-XXX," Case No. A568353, filed in the Eighth Judicial District  
 9 Court for the State of Nevada in and for the County of Clark to this Court. The grounds for  
 10 removal are:

11 1. Removal is appropriate pursuant to 28 U.S.C. §1441(a) because this Court has  
 12 original jurisdiction over this proposed class action founded on Diversity of Citizenship pursuant to  
 13 28 U.S.C. §1332(d)(2)(A). Pursuant to the claims set forth in Plaintiffs' Complaint, the matters in  
 14 controversy allegedly exceed \$5,000,000.00 based on Plaintiffs' alleged damages, exclusive of  
 15 interests and costs, and diversity exists between a member of the proposed class of Plaintiffs and  
 16 UPONOR, INC., as follows:

17 a. Upon information and belief, a member of the proposed class of Plaintiffs is  
 18 a citizen of the State of Nevada.

19 b. Defendant UPONOR, INC. is a citizen of the State of Minnesota as it is a  
 20 corporation in Minnesota and has its principal place of business in  
 21 Minnesota as well.

22 2. UPONOR, INC. has not yet been served with Plaintiffs' Complaint. However,  
 23 UPONOR, INC. filed a Notice of Appearance and Initial Appearance Fee Disclosure on September  
 24 4, 2008. This Notice is therefore timely filed within thirty (30) days of service, as required by 28  
 25 U.S.C. §1446(b).

26 3. Pursuant to 28 U.S.C. 1446(a), UPONOR, INC., provides this Court with copies of  
 27 the following documents:

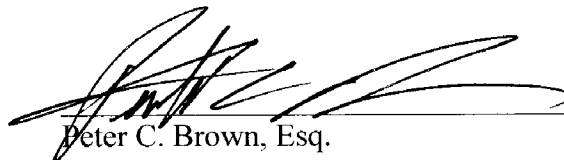
28 a. **Complaint**, attached hereto collectively as Exhibit "1";

- b. UPONOR, INC.'s **Initial Appearance Fee Disclosure and Notice of Appearance** attached hereto collectively as Exhibit "2";
- c. UPONOR, INC.'s **Peremptory Challenge of Judge** attached hereto as Exhibit "3",
- d. District Court of Clark County's **Notice of Department Reassignment** attached hereto as Exhibit "4", and
- e. UPONOR, INC.'s **Notice of Removal of Action** attached hereto as Exhibit "5".

4. A copy of this Notice is being filed concurrently with the clerk of the Clark County District Court and served on Plaintiffs' counsel.

Dated: September 12, 2008.

BREMER, WHYTE, BROWN & O'MEARA, LLP



Peter C. Brown, Esq.  
Nevada Bar No. 5887  
Attorney for Defendant,  
UPONOR, INC.

**CERTIFICATE OF FACSIMILE & MAILING**

The undersigned hereby certifies that on the 15<sup>th</sup> day of September 2008, I served a copy of the foregoing **NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA** by transmitting via facsimile to the below facsimile numbers and by causing a copy of the same to be duly deposited in the United States mail, postage prepaid, addressed to:

Don Springmeyer, Esq.  
ROBERT C. MADDOX & ASSOCIATES  
3811 W. Charleston Blvd., #110  
Las Vegas, NV 89102  
**FACSIMILE: (702) 366-1999**

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J. Randal Jones, Esq.  
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Sergio Salzano, Esq.  
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An Employee of  
BREMER WHYTE BROWN & O'MEARA, LLP